



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 30

310 West Wisconsin Avenue - Suite 700

Milwaukee, WI 53203-2211

Telephone (414)297-3873

FAX (414) 297-3880

www.nlrb.gov

June 25, 2004

Mr. Michael Falkner
308 Davidson Street
Madison, WI 53716

**Re: Henshue Construction, Inc.
Case 30-RD-1402**

Dear Mr. Falkner:

The Region has carefully investigation and considered your petition in the above-captioned case, petitioning for an investigation and determination of representatives under Section 9(c) of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your petition for the following reasons:

On May 4, 2004, International Brotherhood of Electrical Workers, Local 2150 (Union) filed a charge in Case 30-CA-16818 alleging that since on or about February 4, 2004, Henshue Construction, Inc. (Employer) has refused to bargain in good faith with the Union by refusing to sign an agreed-upon collective bargaining agreement. The Region has conducted an investigation in Case 30-CA-16818 and has determined that the charge has merit. Absent settlement, the Region will be issuing a complaint alleging that on January 19, 2004, the Employer and the Union agreed to all the terms and conditions of employment which were to be incorporated into a successive collective bargaining agreement. The complaint will further allege that since February 4, 2004, the Employer has refused to execute the agreement. If it is determined during the litigation of Case 30-CA-16818 that the Employer did unlawfully refuse to execute the agreed-upon contract, the Employer will be ordered to sign the contract, and the contract would bar processing of the petition. Under these circumstances, I find that no question concerning representation may be raised until final disposition of the unfair labor practice proceedings in Case 30-CA-16818. Accordingly, the petition is hereby dismissed. However, the petition will be subject to reinstatement if the Employer prevails in the litigation, and the complaint in Case 30-CA-16818 is ordered dismissed.

Your Right to Seek Review. The National Labor Relations Board's Rules and Regulations permits any party to obtain a review of this action by filing a request (eight copies) with the Executive Secretary. If you wish to seek review of this action, your attention is directed to the following.

Review Request Due Date: The request for review must be received by the Executive Secretary in Washington, D.C. by the close of business at 5:00 p.m. (ET) on July 9, 2004. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date.

Extension of Time to File Request for Review: Upon good cause shown, the Board may grant special permission for a longer period within which to file. A request for an extension of time should be submitted to the Executive Secretary. A copy of any such request for extension of time should be submitted to me and to each of the other parties to this proceeding and the copy must be served in the same or faster manner as that utilized in filing the request with the Board.

Request for Review Contents: Any request for review (eight copies) must contain a complete statement setting forth the facts and reasons upon which it is based. You should send a copy of the request for review to me. The request for review must be served in the same or faster manner as that utilized in filing the request with the Board.

Address for Request for Review: The request for review should be sent to the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570.

Very truly yours,

/s/ Irving E. Gottschalk

Irving E. Gottschalk
Acting Regional Director

cc: See Page 3:

cc: International Brotherhood of Electrical
Workers, Local Union 2150
Mr. Joe Koehler, Business Agent
N8 W22520 Johnson Drive, Unit H
Waukesha, WI 53186

IBEW
Ms. Mary Harrigan, Int. Rep.
3236 Dupont Avenue South
Minneapolis, MN 55408

Previant, Goldberg, Uelmen, Gratz, Miller &
Brueggeman, S.C.
Mr. Matt Robbins, Esq.
P. O. Box 12993
1555 North RiverCenter Drive
Milwaukee, WI 53212

Executive Secretary ***VIA E-MAIL***
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

Michael, Best & Friedrich LLP
Mr. Thomas P. Godar, Esq.
One South Pinckney Street
P.O. Box 1806
Madison, WI 53701-1806

I.B.E.W.
Mr. Lawrence P. Curley,
International Vice President
8174 Cass Avenue
Darien, IL 60561

International Brotherhood of Electrical
Workers
Mr. Edwin D. Hill, Int. Pres.
1125 15th Street, N.W. #1108
Washington, DC 20005

Henshue Construction, Inc.
Mr. Gary Henshue
313 West Beltline Highway, Suite 200
Madison, WI 53713